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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EARL BRAXTON and VIRGINIA
BRAXTON,

Plaintiffs,

v.

MOSHIR ELHABBAL; ES EXPRESS LINES,
INC.; DOE INDIVIDUALS I through X,
inclusive; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

Case No.:

Demand for Trial by Jury

COMPLAINT

COME NOW, Plaintiffs EARL BRAXTON and VIRGINIA BRAXTON (hereinafter collectively referred to as "Plaintiffs"), by and through their counsel of record, the law firm of Atkinson Watkins & Hoffmann, LLP, and for their Complaint on file herein alleges as follows:

I.
PARTIES

1. Plaintiff EARL BRAXTON is, and at all times relevant herein was, a resident of Clark County, Nevada.

2. Plaintiff VIRGINIA BRAXTON is, and at all times relevant herein was, a resident of Clark County, Nevada.

4. Defendant ES EXPRESS LINES, INC. (hereinafter referred to as “ES EXPRESS LINES”) (hereinafter collectively with ELHABBAL referred to as “Defendants”) is and was, at all times relevant herein, a corporation licensed to do business in Clark County, Nevada.

6. Plaintiffs are informed and believe and, on that basis, allege that each of the fictitiously named Defendants are responsible in some manner for the events and happenings referred to as herein alleged, including, but not limited to, owning, maintaining, and/or controlling Defendant ELHABBAL's vehicle on July 9, 2015.

7. This Court has jurisdiction over this controversy pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship and because the amount in controversy exceeds \$75,000, exclusive of interest and costs.

9. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1 through 8 herein above and incorporate the same by reference as though fully set forth herein.

1 of \$75,000.

2 36. As a further direct and proximate result of Defendant ES EXPRESS LINES'
3 negligence, Plaintiffs have incurred, and will continue to incur, mental, pain and suffering and
4 emotional distress.

5 37. As a further direct and proximate result of Defendant ES EXPRESS LINES'
6 negligence, Plaintiffs have been required to retain an attorney to prosecute this action and are
7 entitled to an award of attorney's fees and costs.

8
9 **VII.**
10 **FOURTH CLAIM OF RELIEF**
11 **(Negligent Hiring/Training/Supervision Against Defendant ES EXPRESS LINES)**

12 38. Plaintiffs repeat and reallege each and every allegation contained in Paragraphs 1
13 through 37 herein above and incorporate the same by reference as though fully set forth herein.

14 39. Defendant ES EXPRESS LINES had a duty to exercise due care in the selection,
15 training, supervision, oversight, direction, retention and control of their employees and/or agents
16 retained by them. Defendant ES EXPRESS LINES held a duty of hiring, training, supervising, and
17 enforcing policies and procedures in compliance with state law.

18 40. Defendant ES EXPRESS LINES breached the above-referenced duties when they
19 negligently, carelessly, and recklessly hired, trained, supervised, oversaw, directed, and/or retained
20 Defendant ELHABBAL.

21 41. As a direct result of the above-mentioned negligence of Defendant ES EXPRESS
22 LINES, Plaintiffs have suffered severe personal injuries.

23 42. The injuries and damages sustained by Plaintiffs are the direct and proximate result
24 of the negligence of Defendant ES EXPRESS LINES.

25 43. As a further direct and proximate result of Defendant ES EXPRESS LINES'
26 negligence, Plaintiffs have incurred expenses for medical care and treatment in an amount in excess
27
28

1 of \$75,000.

2 44. As a further direct and proximate result of Defendant ES EXPRESS LINES'
3 negligence, Plaintiffs have incurred, and will continue to incur, pain and suffering and emotional
4 distress.

5 45. As a further direct and proximate result of Defendant ES EXPRESS LINES'
6 negligence, Plaintiffs have been required to retain an attorney to prosecute this action and are
7 entitled to an award of attorney's fees and costs.

8 WHEREFORE, Plaintiffs pray as follows:
9

10 1. For general, compensatory, and consequential damages against Defendants in an
11 amount in excess of \$75,000;

12 2. For pre-judgment and post-judgment interest thereon at the highest legal rate;

13 3. Attorneys' fees and costs of suit incurred herein; and

14 4. For such other and further relief as this Honorable Court may deem proper under
15 the circumstances.

16 DATED this 30th day of June, 2017.
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18 ATKINSON WATKINS & HOFFMANN, LLP

19 /s/ Sabrina G. Wibicki

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